

Sixth Appellate District

San Jose, California

MONDAY, MAY 12, 2003

H024368 PEOPLE v. AGUILAR

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 12, 2003

H023044 REXFORD TITLE, INC. v. NOB HILL GENERAL STORE, INC.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)
Filed May 12, 2003

TUESDAY, MAY 13, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Wunderlich, J.; and Beth Miller, Deputy Clerk.

H023030 PEOPLE v. MONTANO, et al.

Cause called and argued by Kieran Manjarrez appearing for Appellant and by Stan Helfman, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Premo, J. takes the bench.

H023688 PEOPLE v. BURNETT

Cause called and argued by Arthur Dudley appearing for Appellant and by David Baskind appearing for Respondent. Cause ordered submitted.

H024093 OLSEN, INC. v. SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

Cause called and argued by Alexander Bannon appearing for Appellant and by Benjamin H. Scharf appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Elia, J. takes the bench.

H021287 PEOPLE v. TORREZ

Cause called and argued by John A.W. Halley appearing for Appellant and by Kelly M. Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 13, 2003 (continued)

H025216 MCDONNELL v. SUPERIOR COURT (MCBRIDE)

Cause called and argued by John P. McDonnell appearing for Petitioner and by James McBride appearing in propria persona. Cause ordered submitted. The court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Wunderlich, J.; and W. Magsaysay, Deputy Clerk.

H023471 PEOPLE v. RUBIALES

H024670 RUBIALES ON HABEAS CORPUS

Cause called and argued by Jonathan Grossman appearing for Appellant and Petitioner and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022934 PEOPLE v. GOMEZ

Cause called and argued by Catherine Czar appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024003 PEOPLE v. GUZMAN

Cause called and argued by Seth Flagsberg appearing for Appellant and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024386 KIM v. SONIC AUTOMOTIVE, INC., et al.

Cause called and argued by John P. Boggs appearing for Appellants and by Stacey L. Pratt appearing for Respondent. Cause ordered submitted.

H023008 WANG v. SHEN, et al.; CITIBANK FEDERAL SAVINGS BANK; MURPHY, SHENEMAN, JULIAN & ROGERS

Cause called and argued by Frederic D. Cohen appearing for Appellant Albert Wang, by Robert A. Goodin appearing for Appellant Murphy, Sheneman, Julian & Rogers, and by Peter G. Bertrand appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Tuesday, May 13, 2003 (continued)

H023433 PEOPLE v. NGUYEN, et al.

As to defendant Tran, the judgment is affirmed. As to defendant Nguyen, the judgment is reversed and the matter is remanded for the limited purpose of possible retrial on count two (§ 422) at the election of the prosecution. If the prosecution elects not to retry that charge, the court shall amend the abstract of judgment accordingly. (not published)
(Elia, J.; We concur: Rushing, P.J., Wunderlich, J.)
Filed May 13, 2003

H024335 In re MICHAEL T.; DFCS v. BING T., et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed May 13, 2003

H024055 FUTURE PACKAGING, INC. v. THREE WAY, INC.

The judgment is reversed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed May 13, 2003

H025272 PEOPLE v. BEAL

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed May 13, 2003

H025675 CANDIDA E. v. SUPERIOR COURT (SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES)

The petition for extraordinary writ is denied. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed May 13, 2003

H024250 In re KEVIN G.; DFCS v. CYNTHIA R., et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 13, 2003

Sixth Appellate District

San Jose, California

Tuesday, May 13, 2003 (continued)

H021534 PEOPLE v. WILSON

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (not published)

(Bamattre-Manoukian, J.; Premo, Acting P.J., Mihara, J.)

Filed May 13, 2003

H022364 WHENMOUTH, et al. v. STATE OF CALIFORNIA; HICKS v. STATE OF CALIFORNIA

By the Court*:

Respondent's petition for rehearing is denied.

Filed: May 13, 2003

*Before Bamattre-Manoukian, J. and Mihara, J.; Rushing, P.J., is of the opinion that rehearing should be granted.

WEDNESDAY, MAY 14, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H024567 PEOPLE v. VICTOR A.

Cause called and argued by James W. Duffy appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023279 PEOPLE v. VELIZ

Cause called and argued by David D. Martin appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023970 PEOPLE V. VILLARREAL

Cause called and argued by Joan Isserlis appearing for Appellant and by David H. Rose, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023687 PEOPLE v. ELIAS

Cause called and argued by Matthew Wilson appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, May 14, 2003 (continued)

H023826 MIGDAL v. SKRABO, et al.

Cause called and argued by Jacques LeBoeuf appearing for Appellant and by Michael G. Ackerman appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H023873 PEOPLE v. NGUYEN

Cause called and argued by Kevin Little appearing for Appellant and by Christina Kuo-Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024701 PEOPLE v. GRINBERG

Cause called and argued by Barry Karl appearing for Appellant and by Kelly Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024296 MORALES, et al. v. THE GAP, INC.

Cause called and argued by Prescott Kendall appearing for Appellants and by Norman LaForce appearing for Respondent. Cause ordered submitted.

H023523 LAW, et al. v. TERAYON COMMUNICATION SYSTEMS, INC., et al.

Cause called and argued by Bruce Towner appearing for Appellants and by Gregory Tenhoff appearing for Respondents. Cause ordered submitted. Court adjourns.

H024248 WARFEL v. COUNTY OF SANTA CLARA, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 14, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Wednesday, May 14, 2003 (continued)

H024334 PEOPLE v. DAVID T.

(Filed order modifying opinion.) Appellant's petition for rehearing is denied. There is no change in the judgment. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed May 14, 2003

H023975 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed May 14, 2003

H024790 In re JACOB M.; DFCS v. WENDY G.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 14, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H024959 In re ALYSSA W.; MONTEREY COUNTY DSS v. CARRIE S.

The appeal from the October 26, 2001 and May 10, 2002 orders are dismissed as untimely. The order from the section 366.26 hearing terminating parental rights is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 14, 2003

H024482 PEOPLE v. RANGER INSURANCE COMPANY

The order denying the motion to vacate forfeiture is affirmed. Ranger is to pay costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed May 14, 2003

H023540 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 14, 2003

Sixth Appellate District

San Jose, California

Wednesday, May 14, 2003 (continued)

H023580 GREENLAW v. SMITH; COUNTY OF SANTA CLARA

By the Court*:

Respondent's petition for rehearing is denied.

Filed: May 14, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H024301 PEOPLE v. O'DELL

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)

Filed May 14, 2003

H023339 PEOPLE v. VASQUEZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Elia, J., Wunderlich, J.)

Filed May 14, 2003

H023660 PEOPLE v. FELIX

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)

Filed May 14, 2003

H024281 BOONE v. DING

The appeal is dismissed. Husband's motion for sanctions for a frivolous appeal is granted and sanctions are awarded against wife and in favor of husband in the amount of \$3,500 and wife shall also pay the sum of \$3,500 to the Clerk of the Court of Appeal. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 14, 2003

THURSDAY, MAY 15, 2003

H023465 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 15, 2003

Sixth Appellate District

San Jose, California

FRIDAY, MAY 16, 2003

H024694 PEOPLE v. ORNELAS

The judgment is modified to reduce the \$2,400 restitution fine to \$200 and to reduce the \$2,400 probation revocation fine to \$200. The trial court is ordered to prepare an amended abstract of judgment and to forward a copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 16, 2003

H024488 PEOPLE v. AVALOS

The appeal is dismissed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed May 16, 2003

H023487 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed May 16, 2003

H023424 HALLAM, et al. v. FALLON, et al.

The judgment confirming the arbitration award is affirmed. Costs on appeal are awarded to respondents. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed May 16, 2003

H023974 PEOPLE v. WASHINGTON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed May 16, 2003

Sixth Appellate District

San Jose, California

Friday, May 16, 2003 (continued)

H024402 PEOPLE v. HOANG

The judgment is reversed. The case is remanded for the trial court to consider whether defendant is fit for commitment under section 3051. If the trial court concludes that defendant is unfit, the trial court shall reimpose the sentence previously imposed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed May 16, 2003